

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

\$155,000.000 U.S. FUNDS FROM
STERLING SAVINGS BANK
ACCOUNT #: XXXXXXXX1308,

Defendant.

CV-07-3083-FVS

Amended Final Order of
Forfeiture

Plaintiff, United States of America, alleged in a Verified Complaint for Forfeiture In Rem, filed herein on September 25, 2007, that the Defendant currency is subject to forfeiture to the United States pursuant to 31 U.S.C. § 5317(c)(2).

The above court has jurisdiction over this matter by virtue of 28 U.S.C. §§ 1345 and 1355. Venue is proper pursuant to 28 U.S.C. § 1395.

The property to be forfeited is described as follows:

\$155,000.00 U.S. funds, seized on September 18, 2007, from Sterling Savings Bank Account #: XXXXXXXX1308, held in the names of Trading Post of Pasco and Daniel H. Walsh.

On October 16, 2007, the Warrant of Arrest In Rem was returned executed as evidenced by the U.S. Treasury Form TDF-90.

On October 23, 2007, Daniel Walsh was served via certified mail with copies of the Verified Complaint for Forfeiture In Rem, Notice of Complaint for Forfeiture, and Warrant of Arrest In Rem, as evidenced by the Certificate of Service of Notice by Mail filed with the Court on October 23, 2007. On November 29, 2007, Daniel Walsh, Judith Walsh, and Trading Post of Pasco, filed a claim and answer to the complaint.

1 The Notice of Complaint was published on November 9, 16, and 23, 2007,
2 in the Tri-Cities Herald, a newspaper of general circulation in Franklin County,
3 Washington. Rule G of the Supplemental Rules for Certain Admiralty and
4 Maritime Claims, Fed. R. Civ. P., require that claimants file a claim within thirty
5 (30) days after final date of publication of the Notice of Complaint for Forfeiture,
6 or within thirty-five (35) days after direct service of the complaint, whichever
7 occurs first. At the latest the claim period expired on December 26, 2007.

8 On October 10, 2008, the Court entered an Order granting the United States'
9 motion for summary judgment and entered a civil judgment in favor of the United
10 States.

11 On November 17, 2008, the Court entered a Final Order of Forfeiture,
12 forfeiting the Defendant funds to the United States.

13 On October 13, 2009, the Ninth Circuit Court of Appeals reversed the
14 Court's summary judgment order, and remanded the case.

15 On February 3, 2010, the United States and Claimants filed a Settlement
16 Agreement and Stipulation for Order of Forfeiture, in which the parties agreed that
17 the United States would return \$139,500.00 of the Defendant funds to Claimants,
18 and the remaining \$15,500.00 Defendant funds would be forfeited by the United
19 States.

20 On September 20, 2010, the United States confirmed that the \$139,500.00
21 was returned to Claimants pursuant to the settlement agreement.

22 No other claims were filed to the Defendant funds.

23 Therefore, all claims to the Defendant funds have been addressed.

24 IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the
25 remaining \$15,500.00 Defendant funds, is hereby forfeited to the United States of
26 America, and no right, title, or interest shall exist in any other person.
27
28

1 I IT IS FURTHER ORDERED that the forfeited Defendant funds shall be
2 disposed of in accordance with law by the United States Immigration and Customs
3 Enforcement.

4 IT IS FURTHER ORDERED that the Court shall retain jurisdiction in this
5 case for the purpose of enforcing this order.

6 DATED this 22nd day of September, 2010.

7
8 s/ Fred Van Sickle

9 Ht gf "Xcp"Ukmg
Ugplqt"United States District Judge

10 Presented by:

11 James A. McDevitt
12 United States Attorney

13 s/James A. Goeke

14 James A. Goeke
15 Assistant United States Attorney
16
17
18
19
20
21
22
23
24
25
26
27
28